

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

In re:

Case No. 11-64877

CLIFTON ROSS, and
THEOLA A. ROSS,

Chapter 13

Judge Thomas J. Tucker

Debtors.

ORDER DENYING DEBTORS' MOTION FOR APPOINTMENT OF NEXT FRIEND

This case is before the Court on a motion by the Debtors entitled "Motion for Appointment of Next Friend" (Docket # 85, the "Motion"). The Motion seeks an order appointing "Carlton S. Ross, the Debtors' son, as next friend because the Debtor, Clifton Ross, suffered a stroke and has debilitated to the point where he is now in hospice." (Mot. at ¶ 4.) For the authority to appoint Carlton S. Ross as Next Friend of Debtor Clifton Ross "to act on all matters to which the Debtor, Clifton Ross, can act," the Motion relies only on a Durable Power of Attorney for Health Care that Debtor Clifton Ross apparently executed on January 14, 2014, appointing Carlton S. Ross as his patient advocate. On June 2, 2015, Debtors filed a Certification of Non-Response indicating that no one has filed an objection to the Motion.

The Court must deny the Motion because the Durable Power of Attorney for Health Care is not a power of attorney for Debtor Clifton Ross's financial affairs. Nor does the Motion state that any guardian has been appointed for the Debtor Clifton Ross.

Accordingly,

IT IS ORDERED that the Motion (Docket # 85) is denied.

Signed on June 05, 2015

/s/ Thomas J. Tucker

Thomas J. Tucker
United States Bankruptcy Judge